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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,503	07/23/2003	Malcolm MacQuoid	2203.PACI.NP	1968

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EXAMINER	
GAY, JENNIFER HAWKINS	
ART UNIT	**PAPER NUMBER**
3672	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/626,503	MACQUOID ET AL.	
	Examiner	Art Unit	
	Jennifer H Gay	3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-27 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 23 July 2003 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 10/14/03,6/28/04.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because the abstract includes purported merits. The abstract should not recite language regarding an advantages of the claimed invention. Correction is required. See MPEP § 608.01(b).

3. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

(1) if a machine or apparatus, its organization and operation;

(2) if an article, its method of making;

(3) if a chemical compound, its identity and use;

(4) if a mixture, its ingredients;

(5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim Objections

4. Claims 12, 20, 21, and 26 are objected to because of the following informalities:

- Claims 12 and 26 are objected to because of the use of the terms "sufficiently" and "substantially". Such terms are considered exceedingly broad and make it difficult for the examiner to determine to what degree applicant intends the respective limitations to be considered, i.e. how soft is "substantially soft". For the purpose of examination, the examiner is reading claims 12 and 26 without the above phrases.
- Claims 20 and 21 are objected to because the "coconut coir" cannot contain a percentage of the "mixture" as the coir is the mixture.
- In line 2 of claim 26, --are-- should be added after "pellets" and --so--, or something of that nature, should be added before "that".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-10 and 14-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Burts, Jr. (hereafter referred to as Burts; US 6,016,879).

Regarding claims 1, 17, 22: Burts discloses a method for controlling loss of drilling fluid or lubricating a drilling implement in a borehole that involves mixing coconut coir with the drilling fluid (7:15-33).

Regarding claims 2-10, 18, 19, 23: The drilling fluid may also include a fibrous material such as cotton, cottonseeds, rice hulls, wood fibers, sawdust, or paper pulp, and/or a flaky material such as wood chips or plastic, and/or a granular material such as nutshells, and/or a slurry such as hydraulic cement, oil-bentonite-mud mixes or other high filter loss drilling fluids.

Regarding claims 14, 15, 20, 21: The coconut coir is between 1 and 28 percent of the drilling fluid by volume.

Regarding claim 16: The borehole is an oil or gas well.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 11-13 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burts in view of MacQuoid et al. (hereafter referred to as MacQuoid; US 2004/0025422).

Burts discloses that the any size material may be used and that the material may be ground to a fine particle size prior to being placed in the borehole (7:45-60). Burts does not however disclose that the coconut coir is in pellet form where the pellets may or may not be reduced to particles prior to injection into the borehole and where the pellets slowly absorb fluids and swell.

MacQuoid discloses pelletized coconut coir. MacQuoid further teaches that the pellets can be made such that they are compacted to the point that they are difficult to break apart and slowly absorb fluids such as oil and swell as a result. It is further taught a mechanical means can be used to break up normally compacted pellets into particles.

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have used coconut coir pellets as taught by MacQuoid in the method and fluid of Burts in order to have used a material that was easily transported and handled while not effecting the physical properties and advantages of the coir (paragraphs [0013]-[0015], [0020]).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The remaining references made of record disclose various wellbore treatment fluids that include coconut.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H Gay whose telephone number is (703) 308-2881. The examiner can normally be reached on Monday-Thursday, 6:30-4:00 and Friday, 6:30-1:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (703) 308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer H Gay
Patent Examiner
Art Unit 3672

JHG
September 29, 2004